HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.27723 of 1998

Dated 4th day of October, 2007

Between:

M/s.Kalyani Modern Rice Mill,
Rep. by its Managing Partner, Mutyala Doranna ..
Petitioner

And

The Inspector General of Stamps,
Andhra Pradesh, Hyderabad
and another ..
Respondents

O R D E R:

This writ petition is filed seeking a mandamus to declare the Memo dated 23.3.1998 issued by the 1st respondent-Commissioner and Inspector General of Stamps, Hyderabad, and the consequential proceedings dated 27.6.1998 issued by the 2nd respondent-District Registrar, as arbitrary and illegal.

It may not be necessary to go into various facts mentioned in the affidavit filed in support of the writ petition or the submissions made by the learned counsel for the petitioner as the order dated 23.3.1998 passed by the 1st respondent was not preceded by any notice to the petitioner. The 2nd respondent-original authority, after issuing notice and hearing the counsel, passed an order dated 26.5.1997 holding that the petitioner has to pay the deficit stamp duty. Questioning the same, the petitioner filed a revision, but apparently, the order dated 23.3.1998 passed by the revisional authority i.e. the 1st respondent was not preceded with any notice to the petitioner. As it is the bone of contention of the learned counsel for the petitioner, this Court, on 13.3.2007, directed the learned Government Pleader for Revenue to produce the records and the learned Government Pleader after perusing the records conceded that notice was not issued by the 1st respondent. Hence, this Court is of the view that the order dated 23.3.1998 passed by the 1st respondent is in utter violation of principles of natural justice.

Hence, the writ petition is allowed and the order dated 23.3.1998 passed by the 1st respondent and the consequential proceedings dated 27.6.1998 issued by the 2nd respondent are hereby

set aside and the 1st respondent is hereby directed to hear the revision afresh and pass appropriate orders in accordance with law within a period of six weeks from the date of receipt of a copy of this order. It is needless to observe that the revisional authority i.e. the 1st respondent shall afford sufficient opportunity to the petitioner to put forth its version. As this Court, while ordering Rule Nisi, granted interim stay of all further proceedings, the same shall continue during the pendency of the revision before the 1st respondent. No costs.

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04.10.2007

bcj